

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC., et al.,	:	
Plaintiffs,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 05-6792
TOYS "R" US, INC., et al.,	:	
Defendants.	:	
	:	

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**EIGHTH AMENDED SCHEDULING ORDER**

**AND NOW**, this 8<sup>TH</sup> day of March 2011, it is **ORDERED** that Defendant Peg Perego U.S.A.'s Uncontested Motion to Modify the Seventh Amended Scheduling Order (Doc. 613) is **GRANTED** and the court's order (Doc. 594) is **AMENDED** as follows:

1. Pretrial timetable:
  - Dispositive motions briefing deadlines: Plaintiffs' response to Defendant's Motion for Summary Judgment (Doc. 612) due **March 29, 2011**; Defendant's reply due **April 19, 2011**; Plaintiffs' surreply, if any, due **May 2, 2011**.
  - Exchange of exhibits due **August 5, 2011**
  - Plaintiffs' pre-trial memorandum due **August 5, 2011**
  - Defendant's pre-trial memorandum due **August 12, 2011**
  - All motions in limine due **August 15, 2011**
2. This case will commence **TRIAL** on **September 12, 2011** at **10:00 a.m.**, to be held in Courtroom 7-B on the 7<sup>th</sup> Floor. A Final Pretrial Conference will be held on **August 29, 2011 at 10 a.m.** in Chambers, Room 7613 on the 7<sup>th</sup> Floor.

3. In addition to the above, in a jury trial, each party shall submit with the pretrial memoranda:

- (a) a trial memoranda on the legal issues in the case,
- (b) proposed voir dire questions (**limited to 15 questions**),
- (c) proposed jury instructions (one point per page). Failure to submit proposed jury instructions may result in the forfeiture of a right to object to omissions in the jury charge, and
- (d) proposed jury verdict sheet and special interrogatories.

In addition to the items above, in non-jury cases, each party shall file:

- (e) a trial memorandum on the legal issues in the case and
- (f) proposed findings of fact and conclusions of law.

4. In preparation for the final pretrial conference, counsel are expected to communicate with each other on the following matters in an effort to reach agreement. At the final pre-trial conference, counsel must be prepared to present a report on the following matters:

- (a) agreed to and disputed facts;
- (b) objections to any proposed witnesses;
- (c) objections to any proposed exhibits (including objections to genuineness and authenticity);
- (d) objections to any depositions to be read at trial;
- (e) disputed legal issues;
- (f) amendments to pleadings;
- (g) stipulated to and disputed points for charge;
- (h) verdict sheet and special interrogatories; and
- (I) number of days required for trial.

5. **If you fail to object to proposed voir dire questions, exhibits or witnesses prior to trial, then you have waived any objection.**

6. Three copies of the schedules of exhibits and, if practicable, two copies of the exhibits themselves shall be prepared for my use at trial.

7. **REMINDER:** All official filings submitted to the Clerk of Court must be filed by the attorney directly on to ECF. Counsel must submit to chambers **TWO** courtesy copies of **all** papers filed with the clerk. The submissions to chambers must be in hard copy with a copy of the ECF docket entry number on the first page. Double-sided copies are encouraged to save paper. **Note:** This requirement also applies in ECF cases.

8. Your case has been assigned to:

Law Clerk Caroline Edsall, caroline\_edsall@paed.uscourts.gov  
 Law Clerk Kathryn Hunt Muse, kathryn\_hunt\_muse@paed.uscourts.gov  
 Law Clerk Vivek Narayanadas, vivek\_narayanadas@paed.uscourts.gov

9. Counsel are reminded that all submissions given directly to Judge Brody in the courtroom or chambers must also be filed by counsel on to ECF.

10. Judge Brody's Policies and Procedures can be accessed via the U.S. District Court's website at **www.paed.uscourts.gov**.

11. Throughout the course of the litigation, counsel shall provide the courtroom deputy clerk, Jim Scheidt, with current telephone and FAX numbers(s).

s/Anita B. Brody

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Anita B. Brody, J.

Chambers Fax: 215-580-2356

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